



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 10/12/2005
Comment Deadline: 11/14/2005
Corps Action ID #: 200610019

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Coastal Land Development
Attention: Mr. Bob Farris
201 Lane Drive
Elizabeth City, North Carolina 27909

AGENT (if applicable): Mr. Kendall Turnage
Environmental Professionals, Incorporated
Post Office Box 3368
Kill Devil Hills, North Carolina 27948

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The property is a 120 acre tract at end of North Carolina State Road 1325 (Jacock's Road) adjacent to the Little River east of Hertford in Perquimans County, North Carolina (36.153616 -76.244908).

Existing Site Conditions

The property is an undeveloped tract of land consisting of farm fields and wooded areas vegetated with pine trees and mixed hardwoods. An area of cypress-gum swamp is located in the middle of the property and two areas of bottomland hardwood swamp are

located on the eastern side of the property. The applicant has begun clearing and grading associated with the construction of a previously permitted subdivision road.

Applicant's Stated Purpose

The applicant proposes to place fill in wetlands to allow the septic systems on two residential lots to meet the 50 foot health department setbacks to wetlands required by the State of North Carolina.

Project Description

The applicant proposes to place fill in 0.22 acres of USACE jurisdictional wetlands on Lot 33 and 0.42 acres of USACE jurisdictional wetlands on Lot 55 to create building areas on these recently platted single-family residential lots. The proposed activity would result in the permanent loss of 0.46 acres of wooded wetland dominated by bald cypress, black gum, red maple, ironwood and swamp chestnut oak.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 14, 2005.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

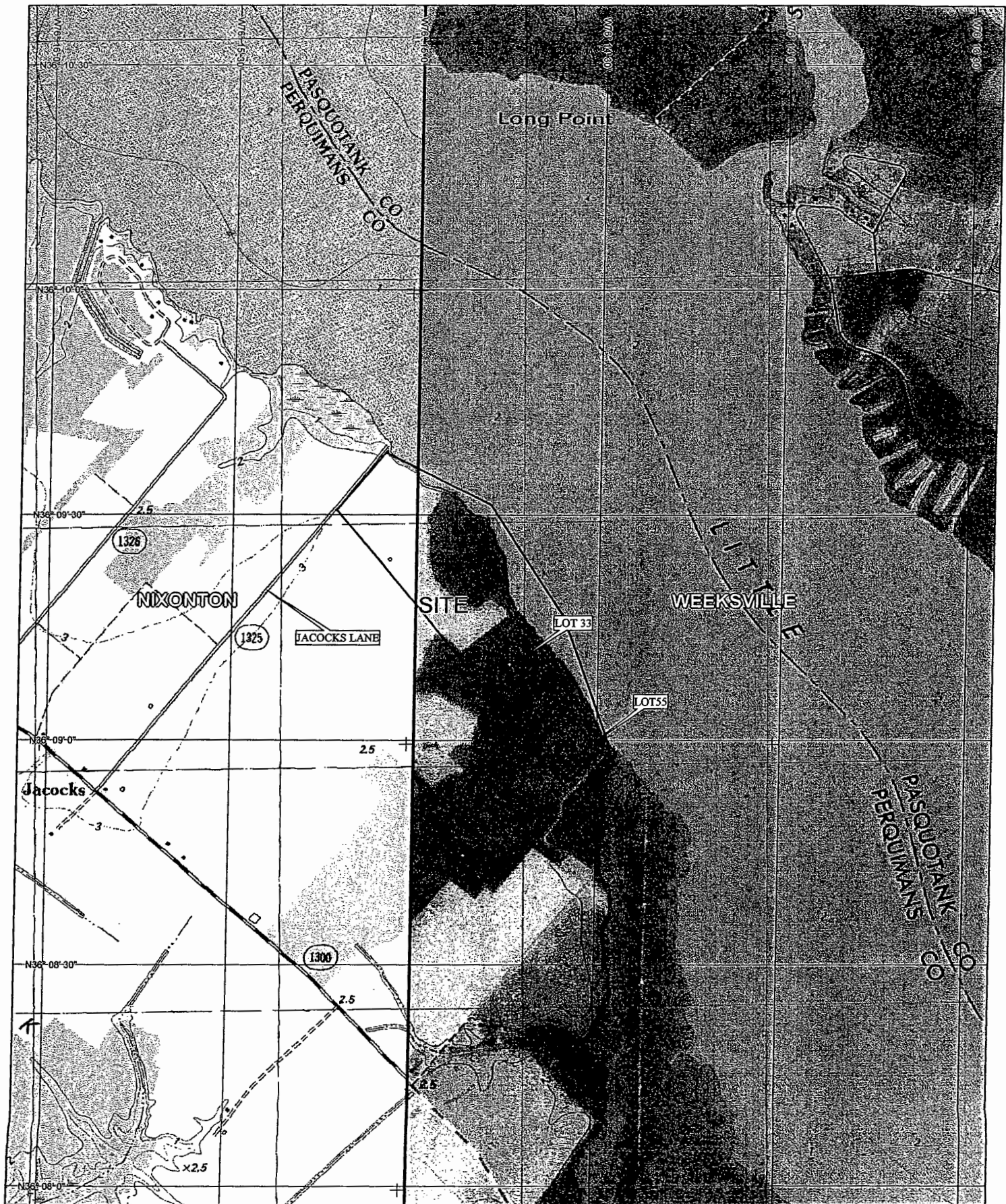
Commenting Information

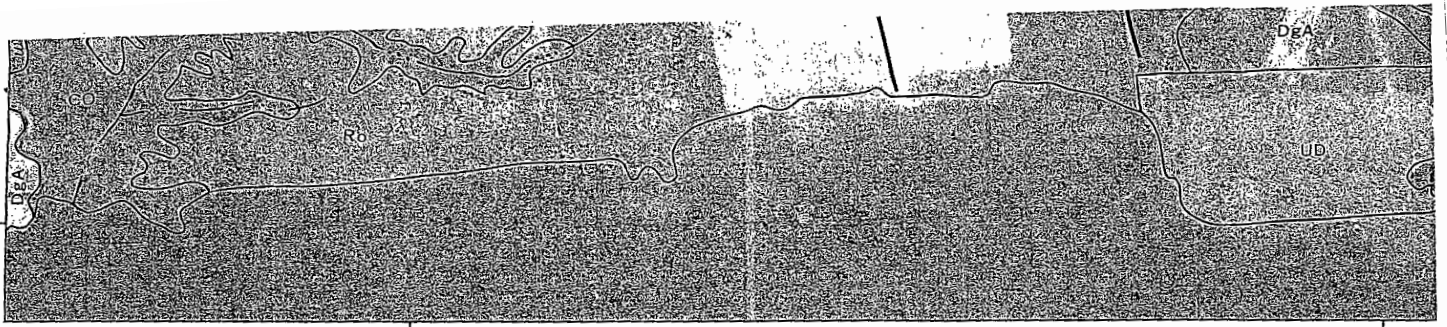
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 14, 2005. Comments should be submitted to Ms. Tracey L. Wheeler, Post Office Box 1000, Washington, North Carolina, 27889, or telephone (919) 975-1616, extension 24.





INSET A

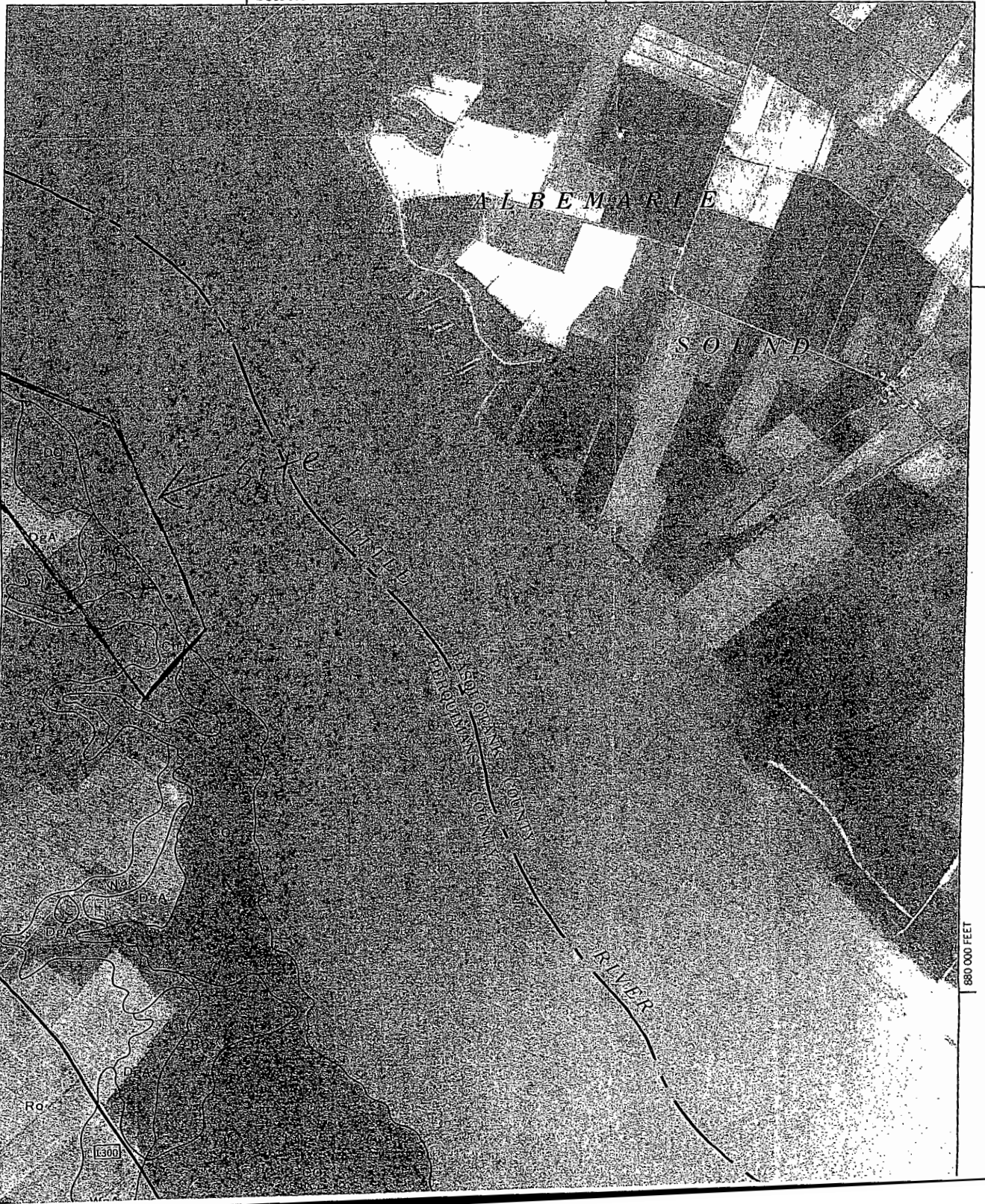
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Sheet
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Inset A

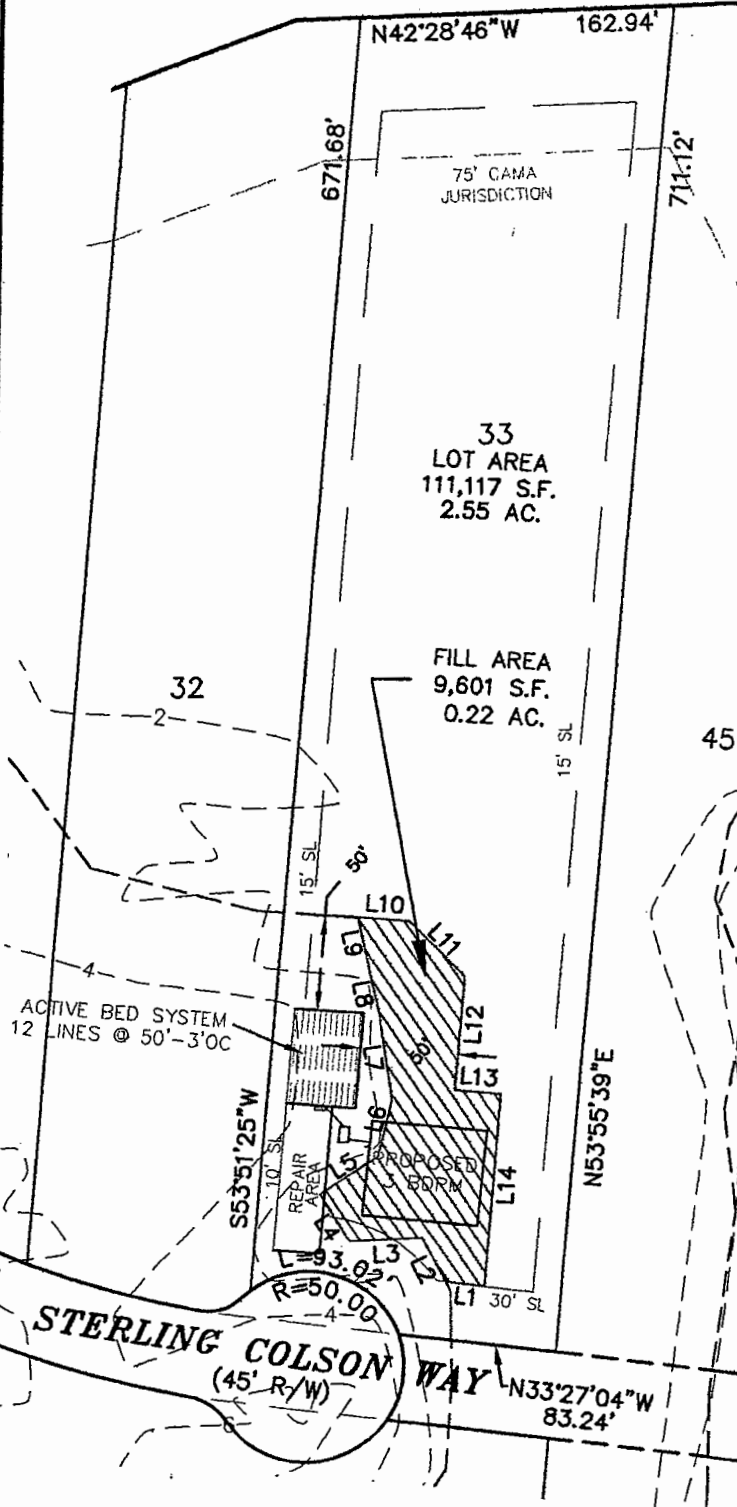
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LITTLE RIVER



LINE TABLE		
LINE	LENGTH	BEARING
L1	20.75	N33°27'04\"W
L2	31.53	N22°12'35\"E
L3	37.19	N43°04'44\"W
L4	29.50	N17°08'42\"E
L5	35.62	S73°54'12\"E
L6	30.91	N62°24'01\"E
L7	46.09	N40°28'46\"E
L8	25.90	N37°08'58\"E
L9	25.90	N37°08'58\"E
L10	26.47	S36°02'30\"E
L11	41.14	S05°19'07\"W
L12	59.85	N53°51'25\"E
L13	24.51	S34°50'20\"E
L14	101.68	N53°48'19\"E

LEGEND

----- 404 WETLANDS BOUNDARY AS DETERMINED BY THE A.C.O.E. ON 3/29/04.

1" = 100'

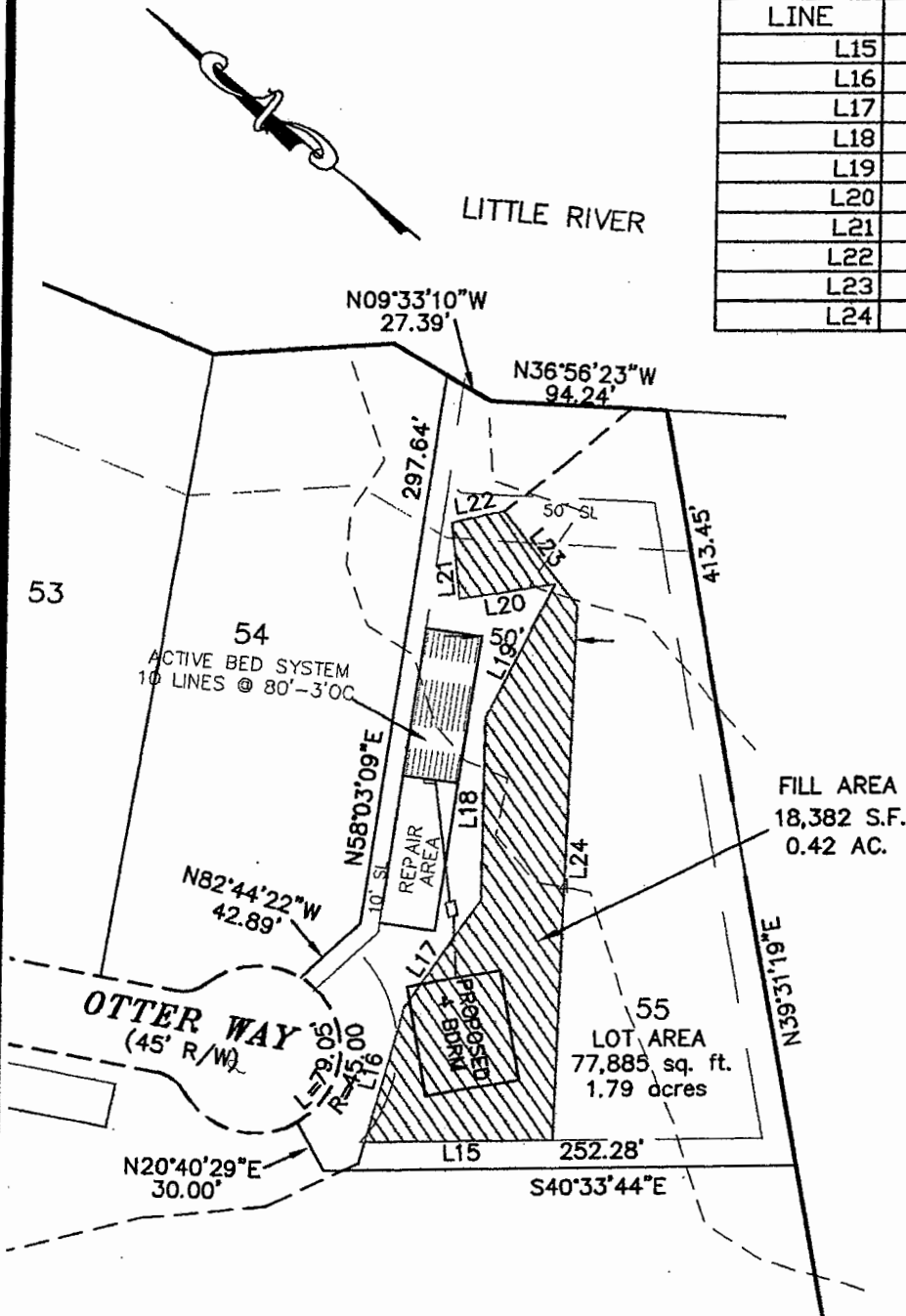
FILL AREA FOR
LOT 33
THE RIVERS EDGE

CIE
Solutions

201 Lane Drive
Elizabeth City, N.C. 27808
Phone: 252-284-3222
Fax: 252-284-3022

LINE TABLE

LINE	LENGTH	BEARING
L15	100.11	N40°33'44"W
L16	75.80	N65°29'07"E
L17	69.76	N84°52'01"E
L18	98.18	N50°27'22"E
L19	80.81	N76°40'04"E
L20	51.29	N48°57'54"W
L21	40.58	N43°30'29"E
L22	27.98	S53°01'04"E
L23	64.23	S11°46'21"W
L24	288.00	S51°45'08"W



LEGEND

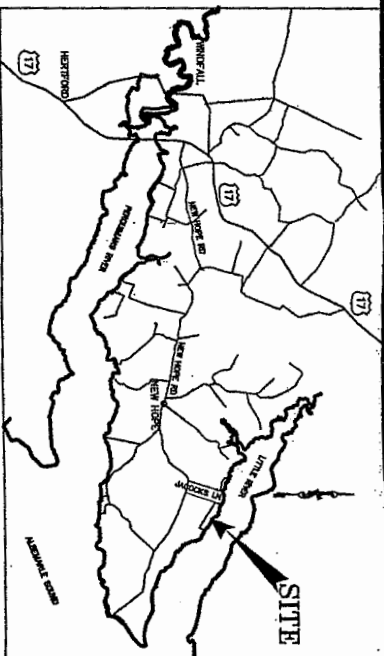
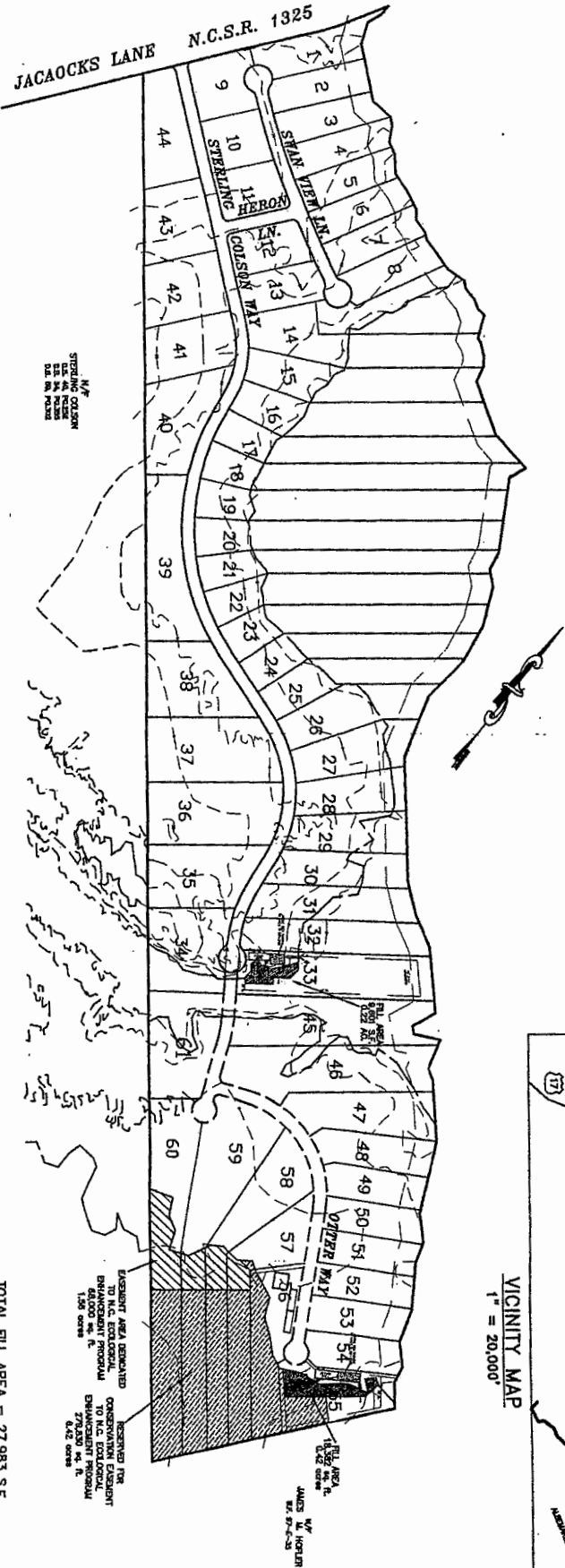
----- 404 WETLANDS BOUNDARY AS DETERMINED BY THE A.C.O.E. ON 3/29/04.

FILL AREA FOR
LOT 55
THE RIVERS EDGE

CE
Solutions

201 Lane Drive
Elizabeth City, NC 27808
Phone 252-284-3222
Fax 252-284-3022

TOTAL AREA IN TRACT = 119.86 ACRES



LEGEND

404 WETLANDS BOUNDARY AS DETERMINED BY
THE A.C.O.E. ON 3/29/04.

FILL AREA MAP
THE RIVERS EDGE
A 61 LOT SUBDIVISION

CIE
Solutions
251 Line Drive
Elizabeth City, NC 27802
Phone 252-334-0222
Fax 252-334-0222

TOTAL FILL AREA = 27,983 S.F.